Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
The Use of N11 Codes for Access to Telecommunications Relay Services	File No. IAD-93-02 CC Docket No. 92-105

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation (MCI) hereby comments on the Petition filed with the Federal Communications Commission (FCC) by the National Center for Law and Deafness (NCLD) and Telecommunication for the Deaf, Inc. (TDI) (Petitioners) on October 1, 1993.[1/] The Petition requests initiation of a rulemaking to direct the assignment of one or more N11 codes for access to Telecommunications Relay Services (TRS). For the reasons explained below, MCI does not oppose the petition but urges the Commission to make sure that any proposal for adoption of N11 access for TRS does not impede competition among service providers.

I. The Commission Should Ensure that N11 Access for TRS Does Not Deprive Relay Callers of the Ability To Choose a TRS Provider

Petitioners claim that assignment of N11 code(s) for TRS

[1/] The FCC issued three public notices on this petition, eventually establishing November 22, 1993 as the deadline for filing comments. See Public Notice, DA-93-1233, released Oct. 14, 1993; "Petitions for Rulemaking Filed," Report No. 1978, Mimeo No. 40278, released Oct. 22, 1993; and Public Notice, DA-93-1294, released Oct. 28, 1993.

access would help to fulfill the goal of Title IV of the Americans with Disabilities Act (ADA), codified at 47 U.S.C. § 225 (1992), that relay services be functionally equivalent to voice services. Petition at 5-9. MCI is not convinced that an N11 solution, as envisioned by Petitioners, accomplishes the objectives they seek. In fact, under the current TRS structure, the proposal advanced by Petitioners would deprive TRS callers of the ability to select their TRS provider of choice, which would be inconsistent with the TRS regulations and consumer interests. The FCC's regulations require that TRS users "have access to their chosen interexchange carrier through the TRS . . . to the same extent that such access is provided to voice users." 47 C.F.R. § 64.604(b)(3) (1992).

Even if selection among competing carriers were not the legal requirement, it would not be sound public policy to deny TRS users access to their chosen TRS provider. At present, relay services are provided on a monopoly basis at the state level. Competition is severely stifled by the three- to five-year service contracts granted by state agencies. The single-vendor contract essentially forecloses competition and therefore a chance for improvements during the lives of the contracts. Market pressures for improvement are preempted. Implementation of an N11 access method under the current TRS structure would further "lock" the industry and its customers into an already unsatisfactory situation of single contractors in which

competition has been minimized.[2/]

II. Access to TRS through N11 Codes Must Not Impede Competition and Improvements in the Quality of Services

MCI does not dispute that there is a confusing array of telephone numbers to reach the various state relay centers. That is the result of a misguided, state-contracted structure for relay services. However, the type of access proposed by Petitioners would further complicate preferred access to relay services. Thus, TRS would be further away from the goal of functional equivalency to voice services if Petitioners' proposal were adopted.

If the objective of service providers and regulators is to furnish high quality services for relay users at the best price, the way to accomplish this is to encourage competition. N11 access in conjunction with today's state relay contracts (authorizing a monopoly TRS provider for an entire state) tends to impede competition by limiting the opportunity to change providers to only once in three or five years, depending on the life of the contract.

As with any telecommunications service, one of the primary objectives in providing TRS should be to provide fast, efficient, and high quality services. An N11 solution that results in

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[2/] TRS customers demonstrate their dissatisfaction with state-contracted providers by calling MCI's national TRS center to place their interstate calls, avoiding the provider to whom the state has awarded the contract.

faster, more efficient, higher quality services can best be met in an environment in which competition will drive development and deployment of new and advanced capabilities. Users would select the provider that best meets their needs, using criteria such as speed of response, friendly assistance, special service enhancements, special language capabilities, favorable rates and other factors. User selection would quickly weed the good providers from the bad, resulting in better relay services.

The tremendous advances seen in the telecommunications sector in the last decade have been revolutionary and largely due to the emerging competitive nature of the marketplace. Numerous studies conducted during the past decade have shown that consumers benefit from competition. For example, a study recently commissioned by MCI shows that consumers pay less for long distance services in a competitive market. The study concludes that prices have declined nearly two-thirds in the decade since the breakup of the Bell system.[3/]

Thus, the best approach to achieving relay service improvements is to encourage competition. Bringing competition into relay services could result in dramatic improvements in service and features, as it has in the industry as a whole. TRS providers would be incented to find ways to increase speed of service, to lower costs, and to introduce or enhance service features.

[3/] Robert E. Hall, Applied Economics Partners, "Long Distance: Public Benefits from Increased Competition," October 1993.

If the Commission and Petitioners are interested in ensuring that customers have some control over the services they receive -- and in improving TRS -- N11 without competition would be directly contrary to those objectives. Indeed, removing customer choice would further entrench the current monopoly relay providers, giving them even less incentive to improve service offerings or levels.

III. Competitive N11 Access for TRS Will Require Technical Developments

Operationally, dialing an N11 code would direct the call to the state relay service, advancing the caller's Automatic Number Identification (ANI) and providing an indicator of some sort as to whether 511 (or another N11) has been dialed. N11 access in the current environment would favor one provider over all others.

N11 access configured to allow consumers to default to their presubscribed carrier for relay service would more closely approximate voice equal access and afford TRS consumers a choice among providers. Under a presubscribed TRS structure, users could choose their relay provider from among all FCC-certified relay centers, as well as interstate providers, and the N11 relay number would automatically route the user's calls to the TRS provider-of-choice. If the user's telephone did not have a relay provider specified, the call would be randomly allocated to one of the certified state providers or interstate relay providers. This N11 relay structure would still allow anyone, anywhere in

the United States, to dial the N11 number to reach relay services. It would also cause relay providers delivering the best service to flourish, while others would be required to improve their services or exit the marketplace.

The state funding mechanisms in place today could be modified to reimburse (at a uniform, predetermined rate) qualified providers for the relay traffic carried. In this way, TRS users would have the power to spend the state-allocated relay funds on the best relay providers. Such a system would not differ significantly from the federally-implemented funding structure in which the TRS Fund Administrator disburses payments to eligible TRS providers on the basis of total interstate TRS minutes of use.

To achieve this scenario, there are technical and network issues, not recognized in the Petition, which would need to be addressed and resolved. Depending upon the capabilities of existing switches to deliver the ANI with an N11 call, network and software changes will be necessary. Based on experience with other network modifications, these changes would require some time to accomplish. It is not uncommon to see an eighteen month interval between acceptance of a change request by the vendor and completion of the change.

The technical issues related to N11 access can be resolved if the industry is afforded the opportunity to review and consider the issues and their impact on providing high quality service for TRS customers. This can take place most effectively

in the newly-formed Industry Numbering Committee (INC) of the Industry Carriers' Compatibility Forum. MCI recommends that the FCC refer the technical issues related to implementation of N11 access for TRS to the INC for a full analysis by all involved industry segments. Earlier this year, the North American Numbering Plan Administrator (NANPA) distributed a letter asking questions related to establishing a uniform access number for TRS, possibly N11, an 800 number, or a national 7-digit number.[4/] The industry can use these questions and comments as a starting point for discussions.

Industry discussions should occur contemporaneous with Commission examination of N11 for TRS. Indeed, the Commission has a significant role to play in moving the industry toward competitive TRS access. An important policy concern involves the fact that N11 codes are under the control of the local exchange carriers. Although this may change in the future, after an independent administrator is approved for the North American Numbering Plan (See CC Docket No. 92-237), the control of both local service and code assignment in the same hands is a concern for the TRS providers who remain outside that domain.

IV. The FCC Must Promptly Decide the Policy Issues Raised in the N11 Docket

N11 numbering resources should not be assigned prior to FCC

[4/] Letter from Alfred Galchter, NANP Administrator, to Recipients of North American Numbering Plan (NANP) Administration information, dated April 19, 1993. No action has been taken by the NANPA on a request for assignment which was filed by the NCLD.

action in CC Docket No. 92-105, the current proceeding examining the use of N11 codes generally. MCI agrees with Petitioners that a decision from the Commission in CC Docket No. 92-105 is imperative. This matter remains pending at the FCC, while various states are addressing N11 uses in ad hoc and uncoordinated proceedings.

Some state regulators have allowed carriers to use these codes on a trial or experimental basis for purely commercial purposes, notably Florida (511, 711) and Georgia (211, 511). Other state commissions are examining the use of N11 codes, including Alabama, Connecticut, Illinois, Kansas, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia. Still other states have placed their proceedings "on hold", or have dismissed petitions for assignment, while awaiting a decision from the FCC; these include Colorado, Delaware, District of Columbia, Idaho, Michigan, New Hampshire, and Oregon.

In Hawaii, GTE has unilaterally assigned 511 and 711 for use as relay access numbers. It is worth noting, however, that Hawaii and Canada are served by single local exchange carriers (GTE and Bell Canada, respectively) and do not have the desirable competitive environment that exists among voice service providers in most of the United States.

Clearly, if the FCC does not act promptly, it risks having the public interest undermined by inconsistent rulings in the

various states. While the FCC has not indicated to date that it would exercise its plenary jurisdiction to foreclose state agencies from exercising jurisdiction, it is clear that the nature of N11 codes, and particularly their scarcity, warrants uniform, national treatment. The ultimate resolution of the uses and allocation of N11 codes lies with the FCC, which has plenary jurisdiction over the NANP.

Thus, the FCC should impress upon state regulatory commissions the need for them to defer ruling on requests for assignment of N11 codes until issues surrounding the use and allocation of N11 codes are addressed and resolved on a national basis. A state-by-state, or balkanized, determination would effectively preclude subsequent uniform national uses for the unassigned N11 codes, absent extraordinary measures such as recall (by the FCC and the NANPA) of codes assigned by the states.

Conclusion

A TRS environment which permits multiple providers to compete for customers would best meet the needs of TRS users. Therefore, MCI urges the Commission to: (1) ensure that N11 access, if approved, does not deprive TRS users of access to their TRS provider of choice; (2) refer technical issues related to N11 access for TRS to the Industry Numbering Committee; and

(3) quickly issue a decision in the pending N11 proceeding, CC Docket No. 92-105.

Respectfully submitted,

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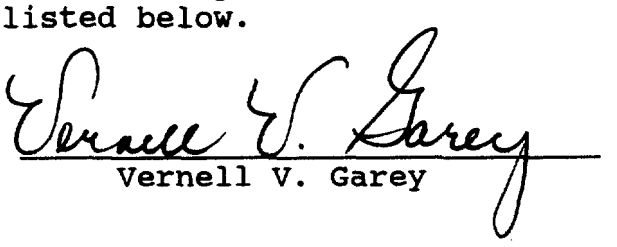
Dated: November 22, 1993

CERTIFICATE OF SERVICE

I, Vernell V. Garey, do hereby certify that on this 22nd day of November, 1993, copies of the foregoing **"COMMENTS"** in File No. IAD-93-02, CC Docket No. 92-105 were served by first-class mail, postage prepaid, upon the parties listed below.



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